

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

**CALVIN BOSWELL,**

**Movant,**

**v.**

**Case No. 2:16-cv-05729**

**Case No. 2:13-cr-000117-01**

**UNITED STATES OF AMERICA,**

**Respondent.**


**MEMORANDUM OPINION AND ORDER SEALING RESPONSE**

Pending before the Court is Respondent's Sealed Motion to Seal Its Response to Movant's Motion to Correct Sentence Under 28 U.S.C. § 2255. (ECF No. 85). Due to the highly confidential nature of the information, this Court **GRANTS** the Motion and **ORDERS** Respondent's Response to Movant's Motion to Correct Sentence Under 28 U.S.C. § 2255 to be sealed. (ECF No. 84). The undersigned is cognizant of the well-established Fourth Circuit precedent recognizing a presumption in favor of public access to judicial records. *Ashcraft v. Conoco, Inc.*, 218 F.3d 288 (4th Cir. 2000). As stated in *Ashcraft*, before sealing a document, the Court must follow a three step process: (1) provide public notice of the request to seal; (2) consider less drastic alternatives to sealing the document; and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting alternatives. *Id.* at 302. In this case, Respondent's Sealed Motion to Seal Its Response and Respondent's Response to Movant's Motion to Correct Sentence Under 28 U.S.C. § 2255 shall be sealed and will be designated as sealed on the Court's docket. The Court deems this sufficient notice to

interested members of the public. The Court has considered less drastic alternatives to sealing the documents, but in view of the confidential nature of the information, and the format on which the information is contained, no such alternatives are feasible at this time. Moreover, the public's right to be informed is greatly outweighed by the interests to be protected in this circumstance. Accordingly, the Court finds that sealing the Respondent's Response to Movant's Motion to Correct Sentence Under 28 U.S.C. § 2255 does not unduly prejudice the public's right to access court documents.

The Clerk is instructed to provide a copy of this Order to the Movant and all counsel of record.

**ENTERED:** October 4, 2016



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Cheryl A. Eifert  
United States Magistrate Judge